

### Remarks

Claims 21-36 are presently pending in the above-referenced application. Applicants note that the Office Action Summary indicates that claims 20-36 are pending, although claim 20 was cancelled in the Preliminary Amendment filed on July 13, 2004, and received by the USPTO on July 13, 2004. The Examiner in the Office Action also addresses claims 1-20. Applicants do not acquiesce to the Examiner's comments regarding claims 1-20, but because Applicants cancelled claims 1-20 in the Preliminary Amendment received by the USPTO on July 13, 2004, only the claims 21-36 are addressed below.

An Information Disclosure Statement is filed concurrently with this Amendment and Response.

### Objections

The objection to claim 25 for omitting an "a" between "with" and "virus" in line 1 of claim 25 have been obviated by amendment.

### 35 USC §102e

Claims 21-36 are rejected under 35 USC §102e as being anticipated by McGuigan et al., US 6,455,513. Under 35 U.S.C. §102, "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

Applicants respectfully submit that McGuigan does not teach all of the elements of claims 21-36 and therefore does not anticipate claims 21-36. Specifically, McGuigan excludes compound with azide functionality in the R<sup>9</sup> position. McGuigan describes a compound having azide functionality in the stereochemical configuration represented as R<sup>10</sup> in column 4, lines 50-64. McGuigan explains "that R<sup>9</sup> corresponds to the 3'  $\alpha$  position and R<sup>10</sup> corresponds to the 3'  $\beta$  position." (Col.4, ln.64-66). R<sup>10</sup> is also described as "up" in the results shown in Table 7 (McGuigan, col. 35 and 36). In contrast, the claimed compounds of the present invention have an azide functionality in the down position at C3 (i.e. corresponding to the R<sup>9</sup> position of McGuigan).

See for example, compound 7 on page 26 and compound 7c on page 27 of the specification. Consequently, McGuigan does not teach anticipate claims 21-36.

Therefore, the Applicants respectfully submit that the presently pending claims of the above-referenced application are patentable over the cited references. Examination and consideration of the application with entry of the currently submitted amendments is requested, and allowance of claims 21-36 at an early date is respectfully solicited.

Respectfully submitted,  
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